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Governor

STATE OF NEVADA

ANDREW J. MACKAY
Chairman

DIANNE CORNWALL
Director, Business and Industry



MICHAEL J. KLOBERDANZ
Commissioner

MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA TRANSPORTATION AUTHORITY

A duly authorized meeting of the Nevada Transportation Authority was held on **Thursday, April 8, 2010 at 10:00am** at the Authority's offices located at 2290 South Jones Blvd., Suite #110, Las Vegas, Nevada and 1755 East Plumb Ln., Suite #216, Reno, Nevada.

MINUTES OF THE MEETING

1. Call to Order
2. Roll Call; Attending in Las Vegas were Commissioner Michael Klobberdanz, Commissioner Monica Metz, Administrative Attorney Jim Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Inspector Michael Bradford, and Senior Deputy Attorney General David Newton. Attending in Reno were Chairman Andrew MacKay and Deputy Commissioner Marilyn Skibinski.
3. Pledge of Allegiance
4. ****Approval of Agenda; Administrative Attorney Jim Day requested that item 15.c)39) be pulled from the Agenda pending proof of refund. Applications Manager Liz Babcock requested that item 11.a be pulled for further investigation. Chairman MacKay and Commissioner Metz requested that item 15.c)31) be set aside for discussion, Chairman MacKay also requested to move item 13 to the end of the Agenda. The Authority voted 3-0 to approve the Agenda as amended.**
5. ****Approval of the Minutes of the March 4, 2010 Agenda Meeting; The Authority voted 3-0 to approve the Minutes of the March 4, 2010 Agenda Meeting.**
6. Ground transportation trends and activity; No one present for comment.
7. Briefings from the Commissioners; Commissioner Metz stated that she is moving along with the drafting of the proposed regulations and added that the next workshop was tentatively scheduled near the 13th of May. Chairman MacKay thanked Commissioner Metz for her continued work on the draft regulations. Chairman MacKay, Commissioner Klobberdanz, and Commissioner Metz all thanked Staff for their hard work.
8. Briefing from the Deputy Commissioner; None.
9. Report of Legal Counsel; Senior Deputy Attorney General David Newton stated that the 2009 Statutes were officially codified.

10. **Applications for Fully Regulated Carriers

- a) **Docket No. 04-04021** The Application of King of the Road, Inc. d/b/a Van to School to transfer and of the beneficiaries of Sam Jamel Ramzi Sr. to acquire 50% of the stock of King of the Road, Inc. (authorized to provide transportation to public school children who are not serviced by the public school bus system under Certificate of Public Convenience and Necessity 2011). Staff investigation concluded. (AJM); **Applications Manager Babcock summarized the Application and stated that Staff recommends approval. The Authority voted 3-0 to approve the Application.**
- b) **Docket No. 09-04013** The Application of Sunshine Movers, LLC d/b/a Sunshine Movers for a certificate of public convenience and necessity to operate as a household goods mover in the State of Nevada. Staff investigation concluded. (MJK); **Commissioner Kloberdanz summarized the Application. Chairman MacKay congratulated the Applicants. The Authority voted 3-0 to approve the Application.**
- c) **Docket No. 09-11019** The Joint Application of Limousines of Nevada, LLC to sell and transfer and of Royalty Limousines, LLC for authority to purchase and acquire the authority to provide traditional limousine service within Clark County, Nevada granted under Certificate of Public Convenience and Necessity ("CPCN") 1059, Sub 4. Staff investigation concluded. (MBM); **Kimberly Maxson-Rushton, Esq. and Pete Eliades were present on behalf of the Applicant. Commissioner Metz explained Mr. Eliades's experience in the industry. Applications Manager Babcock summarized the Application and stated that Staff recommends approval also requesting that documents be added as State's Exhibit 1 and Applicant's Exhibit 1. Chairman MacKay asked how long it would take for the business to be up and running. Ms Maxson-Rushton stated about 10-14 days. The Authority voted 3-0 to approve the Application.**

11. **Financial Rates and Tariffs

- a) ~~**Docket No. 09-10031** The Application of Desert Portable Storage, LLC d/b/a PODS for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 3260. Staff investigation concluded.~~ **Pulled from Agenda.**
- b) **Docket No. 09-12017** The Application of Big Box Storage Nevada, Inc. for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 3342. Staff investigation concluded; **Ray Barratta and Jason Earl were present on behalf of the Applicant. Financial Analyst Aronova summarized the Application and stated that Staff recommends approval. Commissioner Metz had a question regarding the operating rights on the Certificate. Chairman MacKay asked a question regarding tariff rates for safes. The Authority voted 3-0 to approve the Application.**
- c) **Docket No. 10-02027** The Application of Bell Trans for approval of a tariff rate modification for special services conducted under Certificate of Public Convenience and Necessity (CPCN) 1023, Sub 1. Staff investigation concluded; **Applications Manager Babcock summarized the Application. The Authority voted 3-0 to approve the Application.**
- d) **Docket No. 10-03002** The Application of Las Vegas VIP Limousines, LLC for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 1103. **Staff investigation concluded; John Sinagra was present on behalf of the Applicant. Financial Analyst Aronova summarized the Application and stated that Staff recommends approval. The authority voted 3-0 to approve the Application.**

- e) **Docket No. 10-03017** The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 1062, Sub 5. Staff investigation concluded; **Sam Steiner and Claire Poblner were present on behalf of the Applicant. Financial Analyst Aronova summarized the Application. The Authority voted 3-0 to approve the Application.**

12. ** Motion to Deviate from Regulations:

Docket No. 10-03007 The Petition to Deviate from Regulations pursuant to NAC 706.1305 filed by On Demand Sedan Services, Inc. (CPCN 1040.3 and 2063.1) and Desert Cab, Inc. dba Odyssey Limousine (CPCN 1075.1) seeking Authority approval for the Petitioners to stage vehicles at the passenger curb loading zone of the Westin Casuarina Las Vegas Hotel & Casino Spa without displaying the signs required by NAC 706.228(3) as amended by LCB File No. R127-07; **Richard Frakes was present on behalf of the Petitioner and summarized the request. Administrative Attorney Day stated that there was a similar request, Docket 09-07001 which included certain restrictions and recommended that if approved this Petition should carry similar limitations. Mr. Frakes stated that he does not see issue in obtaining a written contract. Commissioner Metz stated that she believes it should be the property holding the deviation and not the carrier. A stipulation was made that a copy of the letter granting deviation must be maintained in each of the carriers' vehicles. The Authority voted 3-0 to approve the Petition.**

13. **Petition for Reconsideration:

Citation 14235 issued to Yellow Cab Co. for a violation of NAC 706.3761. Respondent's Petition for Reconsideration of the Authority's March 9, 2010 Order. The Respondent requests that the Authority vacate its prior Final Order and order the Citation dismissed. (AJM); **Taken out of order as the final item of the Agenda Meeting. Jason Volkerding was present on behalf of the Respondent. Chairman MacKay summarized the Petition and made a motion to grant the Petition in part by vacating the final Order and issuing a new Order to reaffirm the Order of March 9, 2010 so that there would be no timeliness issue for an appeal. The Authority voted 3-0 to approve the Chairman's motion to grant the petition in part and deny the petition in part, leaving intact the prior findings and recommendations.**

14. Notices (No action required) Chairman MacKay summarized items 14.a) and 14.b).

- a) **Docket No. 10-03013** The voluntarily cancellation by North Star Towing, LLC of Certificate of Public Convenience and Necessity (CPCN) 7241. Staff investigation concluded.
- b) **Docket No. 10-03018** The voluntarily cancellation by Tairod Enterprises, Inc. d/b/a Expedite Towing of Certificate of Public Convenience and Necessity (CPCN) 7195. Staff investigation concluded.

15. **Consent Items:

- a) Application for Certificate of Public Convenience and Necessity to Provide Charter Bus Service

Docket No. 10-02026 The Petition of Mammoth Transportation Services, LLC to add d/b/a Mammoth Transportation for charter bus service authorized under Certificate of Public

Convenience and Necessity (CPCN) 2072. Staff investigation concluded; **The authority voted 3-0 to approve the Petition.**

b) **Applications for Certificate of Public Convenience and Necessity to Provide Tow Car Service**

- 1) **Docket No. 09-10029** The Application of Cristela Armendariz d/b/a City View Towing for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded; **Cristela Armendariz was present on behalf of the Applicant. Applications Manager Babcock summarized the Application. Ms. Armendariz clarified that the address would be North Las Vegas and not Henderson. Chairman MacKay stated that that can be cleared up during compliance. The Authority voted 3-0 to approve the Application.**
- 2) **Docket No. 09-11004** The Application of Main Gate Towing, LLC d/b/a AAA Towing for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded; **Leo Flangas nad Mario Calvano were present on behalf of the Applicant. Applications Manager Babcock summarized the Application and stated that Staff recommends approval. The Authority voted 3-0 to approve the Application.**
- 3) **Docket No. 09-12006** The Application of Garabet Maknissian d/b/a Express Towing & Roadside Service for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded; **Garabet Maknissian was present on behalf of the Applicant. Applications Manager Babcock summarized the Application and stated that Staff recommends approval. The Authority voted 3-0 to approve the Application.**

c) **Administrative Citations and Impoundments; Chairman MacKay explained that the following items were administrative citation and impound matters in which either Staff submitted a Settlement Agreement for approval or a hearing officer presided over the hearing with respect to the alleged violation(s), made findings, and provided recommendations with respect to appropriate fines and/or other remedies. Chairman MacKay explained that the items are voted on in a block. Items 15.c)31) and 15.c)39) were pulled at the request of Staff. The Authority voted 3-0 to approve items 15.c)1)-15.c)45), excluding Items 15.c)31) and 15.c)39).**

- 1) **Citation 14237** issued to Yellow Cab Co. for a violation of NAC 706.3761. (AJM)
- 2) **Citation 14240** issued to Phyllis J. Adamson for a violation of NAC 706.3754(2). (AJM)
- 3) **Citation 14243** issued to Kenan G. Jeter for violations of NRS 706.386 and NRS 706.758. (AJM)
- 4) **Citation 14244** issued to Curtis Dale Radig for violations of NRS 706.386 and NRS 706.758. (AJM)
- 5) **Citation 14258** issued to Thomas Duane Hudson for violations of NRS 706.386 and NRS 706.758. (AJM)

- 6) **Citation 14259** issued to Kristopher Lynn Garver for violations of NRS 706.386 and NRS 706.758. (AJM)
- 7) **Impound 1519** The impoundment pursuant to NRS 706.476 as amended by A.B. 169, 75th Nev. Legis. (2009) of a vehicle registered to Kathleen Lynn Garver. (AJM)
- 8) **Impound 1522** The impoundment pursuant to NRS 706.476 as amended by A.B. 169, 75th Nev. Legis. (2009) of a vehicle registered to U-Haul of Arizona. (AJM)
- 9) **Impound 1523** The impoundment pursuant to NRS 706.476 as amended by A.B. 169, 75th Nev. Legis. (2009) of a vehicle registered to Shavon Shepard-Walker. (AJM)
- 10) **Citation 15058** issued to C & J Development Ent. dba Custom Towing for a violation of NAC 706.4477 as amended by LCB File No. R075-08. (MJK)
- 11) **Citation 15028** issued to Song Xiong for a violation of NAC 706.228(3) as amended by LCB File No. R127-07. (MJK)
- 12) **Citation 15082** issued to Carlos Deleon for a violation of NAC 706.354. (MJK)
- 13) **Citation 15084** issued to Anthony Hayward for a violation of NAC 706.354. (MJK)
- 14) **Citation 15086** issued to Kenneth Ray Baldwin for a violation of NAC 706.329. (MJK)
- 15) **Citation 15087** issued to Zeljko Blanusa for violations of NAC 706.354 and NAC 706 as amended by LCB File No. R127-07(1). (MJK)
- 16) **Citation 15083** issued to Wossagn G. Berhanu for a violation of NAC 706.354. (MJK)
- 17) **Impound 1610 and Citation 15040** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15040 issued to John Trask for violations of NRS 706.386 and NRS 706.758. (MJK)
- 18) **Impound 1618 and Citation 15090** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15090 issued to George Louis Jones for violations of NRS 706.386 and NRS 706.758. (MJK)
- 19) **Impound 1633 and Citation 15044** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15044 issued to Ruth Sheridan for violations of NRS 706.386 and NRS 706.758. (MJK)
- 20) **Impound 1649 and Citation 15043** The impoundment pursuant to NRS 706.476 as amended by A.B. 169, 75th Nev. Legis. (2009) of a vehicle registered to and Citation 15043 issued to Lois Tanzman for violations of NRS 706.386 and NRS 706.758. (MJK)
- 21) **Impound 1701 and Citation 15103** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15103 issued to Shaady Mekhaeil for violations of NRS 706.386 and NRS 706.758. (MJK)

- 22) **Citations 14940 and 15024** issued to Geary Vance Marshall for violations of NAC 706.354 and NAC 706.228(5) as amended by LCB File No. R127-07. (MBM)
- 23) **Citation 15023** issued to Timothy James Conley for violations of NRS 706.386 and NRS 706.758. (MBM)
- 24) **Citation 15061** issued to Steven Michael Pelczynski for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228(5) as amended by LCB File No. R127-07. (MBM)
- 25) **Citation 15065** issued to Colton Wood for violations of NRS 706.386 and NRS 706.758. (MBM)
- 26) **Citation 15076** issued to Mahan A. Washington for violations of NAC 706.228(3) as amended by LCB File No. R127-07, NAC 706.228(4) as amended by LCB File No. R127-07 and of NAC 706.354. (MBM)
- 27) **Citation 15077** issued to Felipe Jaime Santana for a violation of NAC 706 as amended by LCB File No. R127-07(1). (MBM)
- 28) **Impound 1629** The impoundment pursuant to NRS 706.476 of a vehicle registered to Point Sales Solutions. (MBM)
- 29) **Impound 1632** The impoundment pursuant to NRS 706.476 of a vehicle registered to Charles Wood. (MBM)
- 30) **Impound 1631 and Citation 15039** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15039 issued to Tomas Perusquia for violations of NRS 706.386 and NRS 706.758. (MBM)
- 31) **Citation 14109 and 14110** issued to Best Towing for violations of NAC 706.247/49 CFR 382.301 (2 Counts), NAC 706.247/49 CFR 382.305 (2 Counts), NAC 706.247/49 CFR 382.43(2) (2 Counts) and NAC 706.247/49 CFR 382.41; **Commissioner Metz summarized the procedural history of the Citations and stated that she did not have concern for the fine imposed but has question for the Respondent as well as Staff and feels that they need to be placed on the record. She recommended that the settlement not be approved and that the matter be set for a hearing. Chairman MacKay and Senior Deputy Attorney General Newton discussed some of the Carrier's history. The Authority voted 3-0 to reject the settlement agreement and set the Citations for hearing.**
- 32) **Citation 14208** issued to Capitol Cab Co. for violations of NAC 706.247/49 CFR 382.301 (27 counts) and of NAC 706.247/49 CFR 382.305 (26 counts).
- 33) **Citation 14239** issued to Alejandro Lopez-Flores for a violation of NAC 706.247/49CFR 391.41.
- 34) **Citation 14293** issued to Tairod Enterprises, Inc dba Expedite Towing for violations of NAC 706.206 and NAC 706.250
- 35) **Citation 14873** issued to Christian Lamont Holmes-Brown for a violation of NAC 706.228(3) as amended by LCB file no. R127-07.

- 36) **Citation 14975** issued to Sean Cooley for violations of NAC 706.329.
- 37) **Citation 15021** issued to Personal Sedan Services, LLC for a violation of NAC 706.228.
- 38) **Citation 15031** issued to Ashley's Towing for a violation of NAC 706.4477.
- 39) ~~**Citation 15042** issued to Sunrise Towing for a violation of NAC 706.420.~~ **Pulled from Agenda**
- 40) **Citations 15053 and 15054** issued to Tow Guys, Inc dba LVVI for violations of NAC 706.405, NAC 706.412 and NAC 706.247/49 CFR 396.17.
- 41) **Citation 15078** issued to National Transportation Services for violations of NAC 706.229 and NAC 706.170(4).
- 42) **Citation 15079** issued to Erick G. Alvarado for violations of NRS 706.758.
- 43) **Citation 15081** issued to Limousines of Las Vegas Parking for violations of NAC 706.311 and NAC 706.140.
- 44) **Citation 15085** issued to Varuzhan Gambaryan for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 45) **Citation 15101** issued to Yalem Asefa Gedion for a violation of NAC 706.228.

16. Public Comment; No one present for comment.

17. Adjournment; 11:58am

** Denotes the Authority is expected to consider and may take action on this matter.